

SENATE BILL No. 192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-10.

Synopsis: Hospital visitation rights for domestic partners. Allows an individual who is in a domestic partnership with a patient to have hospital visitation rights.

Effective: July 1, 2010.

Errington

January 5, 2010, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 192

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-21-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]:

4 **Chapter 10. Hospital Visitation Rights for Domestic Partners**

5 **Sec. 1. As used in this chapter, "domestic partnership" means**
6 **a relationship between two (2) individuals who:**

- 7 (1) are at least eighteen (18) years of age;
8 (2) are not related to each other by blood or marriage within
9 four (4) degrees of consanguinity under civil law;
10 (3) are not married or in a civil union or domestic partnership
11 with another individual; and
12 (4) agree to be in a relationship of mutual interdependence in
13 which each individual contributes to the maintenance and
14 support of the other individual and the relationship.

15 **Sec. 2. An individual who asserts a domestic partnership under**
16 **this chapter may be required to provide proof of the relationship.**
17 **Proof may include the following:**



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(1) An affidavit signed by each individual, stating that the individuals have an established domestic partnership.

(2) Documents providing proof of any two (2) of the following:

(A) Joint liability of the two (2) individuals for a mortgage, lease, or loan.

(B) The designation of one (1) of the individuals as the primary beneficiary on the:

(i) life insurance policy on the life;

(ii) retirement plan; or

(iii) will and testament;

of the other individual.

(C) A durable power of attorney for health care or financial management under which one (1) of the individuals is principal and the other individual is attorney in fact.

(D) Joint ownership or lease of a motor vehicle by the individuals.

(E) A joint checking account, investment account, or credit account held by the two (2) individuals.

(F) A joint renter or homeowner insurance policy held by the two (2) individuals.

(G) Coverage of one (1) of the individuals on the other individual's health insurance policy.

(H) Joint responsibility for child care, including guardianship on school documents.

(I) A cohabitation or relationship contract.

Sec. 3. (a) Except as provided in subsection (b), a hospital licensed under this article shall allow:

(1) an individual who is in a domestic partnership with a patient;

(2) a child of an individual described in subdivision (1); or

(3) the domestic partner of a patient's parent or child; to visit the patient.

(b) A hospital may deny visitation to an individual described in subsection (a) under any of the following circumstances:

(1) No visitors are allowed at the time of the visitation request.

(2) The hospital determines that the presence of the visitor would endanger the health or safety of the patient or a member of the hospital's staff.

(3) The patient or the patient's legal guardian informs the hospital staff that the patient does not want to see the visitor.

(c) This section does not prohibit a hospital from establishing

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1 reasonable restrictions on visitation, including restrictions on the
2 number of hours of visitation or the number of visitors allowed to
3 see a patient at one (1) time.

4 Sec. 4. (a) This section applies to an adult who, during a medical
5 emergency involving another adult who is ill or injured, in good
6 faith tells an emergency medical provider or hospital staff that the
7 adult and the injured or ill adult are in a domestic partnership.

8 (b) An emergency medical provider may allow an adult
9 described in subsection (a) to accompany the ill or injured adult
10 while the ill or injured adult is transported to a hospital in an
11 emergency vehicle.

12 (c) A hospital may allow an adult described in subsection (a) to
13 visit the ill or injured adult, after the ill or injured adult is
14 admitted to the hospital on an emergency basis, in the same
15 manner as visitation is allowed for a member of the ill or injured
16 adult's immediate family.

17 Sec. 5. If an individual who is in a domestic partnership has
18 appointed a health care representative under IC 16-36-1-7, the
19 health care representative retains the authority to make health
20 care decisions for the individual.

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